

ICE RECEIPT
COMPLAINT NUMBER WCI-2023-10705
***** ICRS CONFIDENTIAL *****

To: DALBERG, KENNETH - #114187
UNIT: _N-_D -- _D49-_L
WAUPUN CORRECTIONAL INSTITUTION
PO Box 351
WAUPUN, WI 53963-0351

Complaint Information:

Date Complaint Acknowledged:	07/20/2023
Date Complaint Received:	07/20/2023
Subject of Complaint:	15 - ICRS
Brief Summary:	complains regarding return letter

This is to acknowledge the complaint you filed which was received on the date indicated. Depending on the nature of the complaint, you may or may not be interviewed by the ICE. A recommendation on the complaint will be made and submitted to the appropriate reviewing authority within 30 days of acknowledgement. A decision will be made by the appropriate reviewing authority within 15 days following receipt of the recommendation unless extended for cause.

Please write to the ICE if this issue is resolved before you receive an answer.

ICE REPORT
COMPLAINT NUMBER WCI-2023-10705
***** ICRS CONFIDENTIAL *****

To: DALBERG, KENNETH - #114187
UNIT: _N- _D -- _D49- _L
WAUPUN CORRECTIONAL INSTITUTION
PO Box 351
WAUPUN, WI 53963-0351

Complaint Information:

Date Complaint Acknowledged:	07/20/2023	Inmate Contacted?	No
Date Complaint Received:	07/20/2023		
Subject of Complaint:	15 - ICRS		
Document(s) Relied Upon:	DOC 310		
Brief Summary:	complains regarding return letter		
Summary of Facts:	<p>BK Institution Complaint Examiners review and decide the nature of the issue within each complaint submission. The Complaint Department will generate a return letter at the direction of the ICE. It is not the inmate's option to state nor can the inmate determine if a complaint meets the filing requirements listed in DOC 310.07. That is a discretionary conclusion made by the ICE upon review of the text of the complaint submission. Simply put and relevant to inmate's complaint submissions, just because inmate believes that he is raising a single issue, that does not guarantee that the claims made in the submission will constitute a single issue. Complaints are processed in accordance with DOC 310 and inmate Dalberg's complaint submissions are held to the filing requirements within DOC 310. Inmate Dalberg is advised to be mindful of the filing requirements when submitting complaints.</p>		
ICE Recommendation:	Dismissed		
Recommendation Date:	07/20/2023		



B. Kolb - Institution Complaint Examiner

REVIEWING AUTHORITY'S DECISION
COMPLAINT NUMBER WCI-2023-10705
***** ICRS CONFIDENTIAL *****

To: DALBERG, KENNETH - #114187
UNIT: _N-_D -- _D49-_L
WAUPUN CORRECTIONAL INSTITUTION
PO Box 351
WAUPUN, WI 53963-0351

Complaint Information:

Date Complaint Acknowledged: 07/20/2023

Date Complaint Received: 07/20/2023

Subject of Complaint: 15 - ICRS

Brief Summary: complains regarding return letter

ICE's Recommendation: Dismissed

Reviewer's Decision: Dismissed

Decision Date: 07/25/2023



R. Hepp - Warden

A complainant dissatisfied with a decision may, within 14 days after the date of the decision, appeal that decision by filing a written request for review with the Corrections Complaint Examiner on form DOC-405 (DOC 310.12, Wis. Adm. Code).

CCE RECEIPT
COMPLAINT NUMBER WCI-2023-10705
***** ICRS CONFIDENTIAL *****

To: DALBERG, KENNETH - #114187
UNIT: _N-_D -- _D49-_L
WAUPUN CORRECTIONAL INSTITUTION
PO Box 351
WAUPUN, WI 53963-0351

Complaint Information:

Date Appeal Acknowledged:	07/31/2023
Date Appeal Received:	07/31/2023
Subject of Complaint:	15 - ICRS
Brief Summary:	complains regarding return letter

Your request for review has been received.

The Corrections Complaint Examiner (CCE) has 35 days to submit a recommendation to the Office of the Secretary (OOS) for Review. The OOS has 45 days to make a decision after receiving the CCE's report. The OOS may extend the time for making a decision for cause and upon notice to all interested parties.

If you do not receive a decision or other notices within that time, you may write directly to:

Secretary of the Department of Corrections
Post Office Box 7925
Madison, WI 53707-7925

CCE REPORT
COMPLAINT NUMBER WCI-2023-10705
***** ICRS CONFIDENTIAL *****

To: DALBERG, KENNETH - #114187
UNIT: _N-_D -- _D49-_L
WAUPUN CORRECTIONAL INSTITUTION
PO Box 351
WAUPUN, WI 53963-0351

Complaint Information:

Date Appeal Acknowledged:	07/31/2023	
Date Appeal Received:	07/31/2023	
Subject of Complaint:	15 - ICRS	
Brief Summary:	complains regarding return letter	
Method of Disposition:	Review on Record? <input checked="" type="checkbox"/> Yes	Investigation? <input checked="" type="checkbox"/> No
CCE's Recommendation:	Dismissed The institution's decision reasonably and appropriately addressed the issue raised by this inmate. On appeal, the inmate presented no information to warrant a recommendation overturning that decision. It is recommended this appeal be dismissed.	
Recommendation Date:	08/10/2023	



B. Hompe - Corrections Complaint Examiner

OFFICE OF SECRETARY DECISION
COMPLAINT NUMBER WCI-2023-10705
***** ICRS CONFIDENTIAL *****

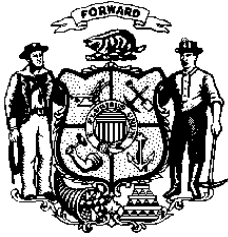
To: DALBERG, KENNETH - #114187
UNIT: _N-_D -- _D49-_L
WAUPUN CORRECTIONAL INSTITUTION
PO Box 351
WAUPUN, WI 53963-0351

Complaint Information:

Date Appeal Acknowledged:	07/31/2023
Date Appeal Received:	07/31/2023
Subject of Complaint:	15 - ICRS
Brief Summary:	complains regarding return letter
OOS Decision:	Dismissed
Decision Comments:	The following is the Secretary's decision on the Corrections Complaint Examiner's recommendation of 08/10/2023 in the above appeal: The attached Corrections Complaint Examiner's recommendation to DISMISS this appeal is accepted as the decision of the Secretary.
Decision Date:	09/05/2023



C. O'Donnell - Office of the Secretary



State of Wisconsin
Department of Corrections
GENERAL REPORT ON INMATE COMPLAINT

Complaint Information:

Date Complaint Acknowledged: July 20, 2023

Date Complaint Received: July 20, 2023

Subject of Complaint: 15 - ICRS

Brief Summary: complains regarding return letter

ICE Recommendation Information: (Signed on 7/20/23 7:31:36AM):

Document(s) Relied Upon: DOC 310

ICE's Summary of Facts: BK Institution Complaint Examiners review and decide the nature of the issue within each complaint submission. The Complaint Department will generate a return letter at the direction of the ICE. It is not the inmate's option to state nor can the inmate determine if a complaint meets the filing requirements listed in DOC 310.07. That is a discretionary conclusion made by the ICE upon review of the text of the complaint submission. Simply put and relevant to inmate's complaint submissions, just because inmate believes that he is raising a single issue, that does not guarantee that the claims made in the submission will constitute a single issue. Complaints are processed in accordance with DOC 310 and inmate Dalberg's complaint submissions are held to the filing requirements within DOC 310. Inmate Dalberg is advised to be mindful of the filing requirements when submitting complaints.

ICE's Recommendation: Dismissed

ICE's Recommendation Date: July 20, 2023

RA's Decision Information: (Signed on 7/25/23 11:19:06AM):

RA's Decision: Dismissed

RA's Decision Date: July 25, 2023

Appeal to CCE Information:

Date Appeal Acknowledged: July 31, 2023

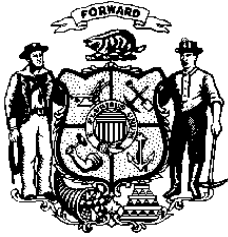
Date Appeal Received: July 31, 2023

CCE's Recommendation Information: (Signed on 8/10/23 11:20:10AM):

CCE's Summary: The institution's decision reasonably and appropriately addressed the issue raised by this inmate. On appeal, the inmate presented no information to warrant a recommendation overturning that decision. It is recommended this appeal be dismissed.

CCE's Recommendation: Dismissed

CCE's Recommendation Date: August 10, 2023



GENERAL REPORT
WCI-2023-10705

State of Wisconsin
Department of Corrections
GENERAL REPORT ON INMATE COMPLAINT

OOS' Decision Information: (Signed on 9/5/23 5:21:52PM):

OOS' Summary:

The following is the Secretary's decision on the Corrections Complaint Examiner's recommendation of 08/10/2023 in the above appeal: The attached Corrections Complaint Examiner's recommendation to DISMISS this appeal is accepted as the decision of the Secretary.

OOS' Decision:

Dismissed

OOS' Decision Date:

September 05, 2023



State of Wisconsin
Department of Corrections
DISTRIBUTION ITEMS
for COMPLAINT NUMBER WCI-2023-10705

Item	Create Date	Created By	Sent To	Inmate ID	Print Date	Printed By
ICE Receipt	07/20/2023 7:26:58AM	Brian Kolb	WCI	114187	07/21/2023 2:02:55PM	Brian Kolb
ICE Report	07/25/2023 11:19:06AM	Randall Hepp	WCI	114187	07/25/2023 1:58:05PM	Brian Kolb
RA Report	07/25/2023 11:19:06AM	Randall Hepp	WCI	114187	07/25/2023 1:58:06PM	Brian Kolb
CCE Receipt	07/31/2023 11:09:02AM	Matthew Greenwood	WCI	114187	08/01/2023 2:15:25PM	Brian Kolb
CCE Report	09/05/2023 5:21:52PM	Cindy O'Donnell	WCI	114187	09/06/2023 8:34:53AM	Tonia Moon
OOS Report	09/05/2023 5:21:52PM	Cindy O'Donnell	WCI	114187	09/06/2023 8:34:53AM	Tonia Moon

INMATE COMPLAINT

OFFICE USE ONLY

DATE RECEIVED

JUL 20 2023

COMPLAINT CODE

15

COMPLAINT FILE NUMBER

WCI 2023 - 10705

INSTRUCTIONS FOR INMATE:

- Complete ALL sections of this form
- You MUST use a DOC-400B, if additional space is needed.
- Do not use a highlighter or marker on this form. Do not staple or tape this form.
- The form may be returned to you if you submit an incomplete form or if you do not follow the instructions.
- Print clearly, illegible forms will not be processed. See reverse side for more information.

INMATE NAME

DALBERG, KENNETH

DOC NUMBER

114187

HOUSING UNIT

N-D-49

FACILITY

WCI

LOCATION OF INCIDENT

ICRS

DATE OF INCIDENT

7/10/23

TIME OF INCIDENT

approx. 1800 hrs.

ANSWER THE FOLLOWING QUESTIONS IN THE SPACES PROVIDED:

Briefly state who or what is the ONE issue, of this complaint. What remedial action are you requesting? ICE's Refusal...

On the above date I received a second ICE Return Letter w/ (14) H.S.R. carbon copies I'd submitted w/ a Complaint. The Return Letter from ICE Moon informed me a Complaint they'd received from me would not be accepted.

With whom did you attempt to resolve your ONE issue, and what was the result of this attempt, prior to submitting this complaint? Send any documentation you have, that supports your attempt to resolve your claims.

No other repercussion available other than formal complaint after I'd tried to reason clarification of what my Complaint's purpose of issue to be investigated (violation of my Civil Rights/non-Medical Treatment) upon ICE Moon directing me to address each separate incident ^{amounting to} Civil Rights violation.

What are the details surrounding this complaint?

ICE ^{Moon} refused to accept a Complaint I'd submitted originally on 6/27/23 for the issue amounting to Civil Right's violation constituted by the Institution's Health Service staff not providing adequate, prompt medical treatment upon Institution Administration declaring the facility under a status of "Modified Movement" (lockdown) now having been in effect for (17) weeks. I had been engaged in steps of Medical Treatment for several conditions requiring follow-up for need of further treatments. Some of those conditions causing pain, while others being disfiguring or debilitating. Though I'd submit HSR's for follow-up treatments of those existing conditions being treated, Health Sv. would make no arrangements to have inmates presented to H.S.V. as necessary for...

SIGNATURE OF INMATE

Ken J. Oller

DATE SIGNED

7/19/23

DISTRIBUTION: Original - ICTS

cc: Complainant's Records

INSTRUCTIONS

The department shall maintain an inmate complaint review system that shall be accessible to all inmates in institutions. Prior to filing a formal complaint, you must attempt to resolve the issue by following the designated process specific to the subject of the complaint. If you have not done so, the Institution Complaint Examiner (ICE) may direct you to do so.

Each complaint shall meet all of the following requirements:

- (a) Be submitted on a complaint form provided by the department.
- (b) Be legibly handwritten or typed.
- (c) Be filed only under the name by which the inmate was committed to the department or the legal name granted by a court.
- (d) Include the inmate's original signature.
- (e) Not exceed 500 words total and not exceed two pages.
- (f) Provide relevant supporting documentation, which may be accepted at the discretion of the ICE.

The ICE will acknowledge your complaint with an ICE Receipt, or return the complaint to you for correction or with further instructions, within 10 days of receiving your complaint submission. A complaint will not be processed and a referral for disciplinary action may occur in accordance with ch. DOC 303 if the complaint contains any of the following:

- (a) Obscene, profane, abusive, or threatening language unless such language is necessary to describe the factual basis of the complaint.
- (b) A foreign substance.

Each complaint may contain only one clearly identified issue.

A complaint must contain sufficient information for the department to investigate and decide the complaint.

An inmate may not file more than one complaint per calendar week except that any of the following are not subject to the filing restrictions contained in this paragraph:

- (a) Complaints regarding the inmate's health and personal safety.
- (b) Complaints made under PREA.

NOTE: The ICRS is governed by the rules in chapter DOC 310, Wisconsin Administrative Code. For more information on using the ICRS, please review this chapter.

DISTRIBUTION: Original – ICTS

INMATE COMPLAINT/APPEAL (CONTINUED)

INMATE NAME	DOC NUMBER	HOUSING UNIT	FACILITY
DALBERG, KENNETH	114187	N-D-49	WCI

... most physical examination & treatments. At best, a nurse might have come to the cell hall consult concerns, which is wear one informed me the HSU^{staff} was not arranging for treatments as I needed at the Health Unit. Upon my determination such lack of treatments was/is a violation by the DAI/DOC of my Civil Rights by obligation of the Department, an arm of the State; I submitted a Complaint to address the totality of Civil Rights violations. As instances of that totality, I listed & attached carbon copies of HSR's submitted since Inst. "Modified Movement" related to treatment and not honored for adequate & prompt Med. Attention. These instances pointed out as proof & basis of Civil Rights violations. ICE Moon directed me to address each instance in separate complaints, rather than as a totality equaling lack of prompt & adequate medical attention. I disputed ICE Moon's determination to break the instances up in address, as that would only give me a deadline time (less than (14) days) to address the instances allowing for (2) instances to be wrote up, at best. At that, understanding the ICRS is designed to allow for incidents to be minimized in the Department's interest's, the Separation of the incidents would be self-serving for the ICE & the system they represent. Therefore, ICE Moon's refusal to accept my complaint is further self-serving in trying not to address/expose the Civil Rights violation proven more convincingly by showing all of the incidents for a totality of neglect. In essence, as such, this ICE erred in not accepting the Complaint after I added explanation sentences why I felt it not in my interest's to separately try to address incidents to lose the affect of showing the whole picture, which is the form the judicial system would require.

ICE Moon elected to not return the master copy of the complaint to me, though I do retain carbon copies. I feel the complaint should hold pertinence to be investigated for Civil Rights violation with disregard of separate incident's content.

SIGNATURE OF INMATE

Ken [Signature]

DATE SIGNED

7/19/23

DISTRIBUTION: Original - ICTS

cc: Complainant's Records

INSTRUCTIONS

The Department shall maintain an inmate complaint review system that shall be accessible to all inmates in institutions. Prior to filing a formal complaint, you must attempt to resolve the issue by following the designated process specific to the subject of the complaint. If you have not done so, the Institution Complaint Examiner (ICE) may direct you to do so.

Each complaint shall meet all of the following requirements:

- (a) Be submitted on a complaint form provided by the department.
- (b) Be legibly handwritten or typed.
- (c) Be filed only under the name by which the inmate was committed to the department or the legal name granted by a court.
- (d) Include the inmate's original signature.
- (e) Not exceed 500 words total and not exceed two pages.
- (f) Provide relevant supporting documentation, which may be accepted at the discretion of the ICE.

The ICE will acknowledge your complaint with an ICE Receipt, or return the complaint to you for correction or with further instructions, within 10 days of receiving your complaint submission.

A complaint will not be processed and a referral for disciplinary action may occur in accordance with Ch. DOC 303 if the complaint contains any of the following:

- (a) Obscene, profane, abusive, or threatening language unless such language is necessary to describe the factual basis of the complaint.
- (b) A foreign substance.

Each complaint may contain only one clearly identified issue. A complaint must contain sufficient information for the department to investigate and decide the complaint. An inmate may not file more than one complaint per calendar week except that any of the following are not subject to the filing restrictions contained in this paragraph:

- (a) Complaints regarding the inmate's health and personal safety.
- (b) Complaints made under PREA.

Appeals shall meet all of the following requirements:

- (a) Be submitted on a form provided by the department.
- (b) Be legibly handwritten or typed.
- (c) Be filed only under the name by which the inmate was committed to the department or the legal name granted by a court.
- (d) Include the inmate's original signature.
- (e) Not exceed 500 words total and not exceed two pages.
- (f) Provide relevant supporting documentation, which may be accepted at the discretion of the CCE.
- (g) Be limited to the issue raised in the original complaint.

An appeal will not be processed and a referral for disciplinary action may occur in accordance with Ch. DOC 303 if the complaint contains any of the following:

- (a) Obscene, profane, abusive, or threatening language unless such language is necessary to describe the factual basis of the complaint.
- (b) A foreign substance.

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DISTRIBUTION: Original – ICTS

INMATE COMPLAINT APPEAL

INSTRUCTIONS: COMPLETE ALL SECTIONS OF FORM.

- Do not use a highlighter or marker on this form. Do not staple or tape this form.
- The form may be returned to you if you submit an incomplete form or if you do not follow the instructions.
- Print clearly, illegible forms will not be processed. See reverse side for more information.
- Rejected complaints can only be appealed to the appropriate Reviewing Authority. Their decision is final.
- Submitted documentation will not be returned.
- You must use a DOC-400B if additional space is needed.
- Keep the copy of this request for your records and send the original, in a sealed envelope via US Mail, to:

CORRECTIONS COMPLAINT EXAMINER
DEPARTMENT OF CORRECTIONS
PO BOX 7925
MADISON, WI 53707-7925

JUL 31 2023

INMATE NAME	DOC NUMBER	FACILITY	DOC COMPLAINT FILE NUMBER
DALBERG, KENNETH	114187	WCI	WCI-2023-10705

STATE BRIEFLY WHY YOU ARE NOT SATISFIED WITH THE ACTION OF THE APPROPRIATE REVIEWING AUTHORITY.

It appears to my point of view that ICRS (ICE: Kolb, Warden Hepp) select & decide what complaints & applicable issues meet standards as they interpret DOC 310 in self-serving (institution's) interests. By claiming discretionary decision makes it applicable to avoid earnestly investigate issues not necessarily of interests of the institution, its department's operations, &/or staff within. My decision to group "incidents" of a like nature constituted by a single department to all add up to one "issue" of repetitive nature should stand valid to be addressed as a "compiled issue", as it is not complainant's intent to address each incident's perpetration, but rather how the repetitive behavior clearly constitutes blatant disregard & violation of Prisoner Humanitarian Rules & Civil Rights concerning adequate & prompt Health Care. Addressed as "incidents" of repetition of a like nature compiling one issue would likely be ...

SIGNATURE OF INMATE

Ken Dalberg

DATE SIGNED

7/27/23

DISTRIBUTION: Original - ICTS File; Official Record - CCE Office File

cc: Complainant's Records

INSTRUCTIONS

DOC 310.12 Review by Corrections Complaint Examiner (CCE).

- (1) An inmate may appeal the reviewing authority decision within 14 days after the date of the decision by filing a typed or legibly printed request for review with the CCE on forms supplied for that purpose. The institution shall make these forms accessible to inmates.
- (2) The CCE may accept, return, or recommend rejection of an appeal or complaint.
- (3) The CCE will only address issues raised in the original complaint.
- (4) The CCE shall return an appeal if any of the following apply:
 - (a) An original complaint has not been filed except as provided under s. DOC 310.09.
 - (b) The complaint has been rejected.
 - (c) The appeal is premature.
 - (d) The appeal does not list the complaint file number or contains more than one complaint file number.
 - (e) The appeal does not meet the criteria listed under s. DOC 310.10(10).
- (5) The CCE may recommend rejection of an appeal not filed in accordance with s. DOC 310.09.
- (6) Upon good cause as determined by the CCE, an appeal filed later than 14 days after the date of the reviewing authority decision may be accepted.
- (7) The CCE shall have full access to the institution, inmates, employees, and department records to investigate the appeal.
- (8) The CCE shall give priority to health or personal safety complaints.
- (9) For all accepted appeals, the CCE shall recommend that the reviewing authority decision be affirmed or dismissed, in whole or in part, and send its recommendation to the secretary within 45 days of receipt of the appeal. The CCE may extend the time for submitting a recommendation with notice provided to the inmate.

DOC 310.13 Secretary's decision.

- (1) The secretary shall make a decision within 45 days following receipt of the CCE's recommendation. The secretary may extend the time for making a decision for good cause with notice provided to the inmate.
- (2) The secretary shall affirm or dismiss the CCE's recommendation, in whole or in part, or return the appeal to the CCE for further investigation.
- (3) The secretary's decision is final.
- (4) If the inmate does not receive the secretary's written decision within 90 days of the date of receipt of the appeal in the CCE's office, the inmate shall consider the administrative remedies to be exhausted, unless the time has been extended under sub. (1).

INMATE COMPLAINT/APPEAL (CONTINUED)

JUL 31 2023

INMATE NAME	DOC NUMBER	HOUSING UNIT	FACILITY
DALBERG, KENNETH	114187	N-D-49	WCI-2023-10705

... the manner of a judge in litigation will elect for consideration.

Furthermore, addressing each "incident" as a single "issue" would have only allowed a timeline (under 14 days; less days to return w/one complaint per week) to file two complaints, at best. Not being able to address all of the incidents as constituting as one "compiled issue" would thus not allowed for reference to the number of multiple times the behavior was repeated. In consideration that the "compiled issue" as a single issue would have diminished the fact that Health Care (the lack of) being as serious as it is when involving pain & disfigurement, as well as debility; all in the process of treatment procedures prior to institution/movement status issues. Then comes up the fact that the ICE (Moon) of the submission of the original complaint giving rise to the issue raised in Complaint # WCI-2023-10705 elected not to return the original copy of that complaint when she decided to not accept it for investigation. That decision in itself appears only as self-serving, considering the fact the ICE apparently failed to recognizing the notation that a Carbon Copy was made.

SIGNATURE OF INMATE

Kenneth Dalberg

DATE SIGNED

7/27/23

DISTRIBUTION: Original - ICTS

cc: Complainant's Records

INSTRUCTIONS

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- (e) Not exceed 500 words total and not exceed two pages.
- (f) Provide relevant supporting documentation, which may be accepted at the discretion of the ICE.

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DISTRIBUTION: Original – ICTS

Name Kim Dallery
Number 114187
Waupun Correctional Institution
PO Box 189
Phoenix, Maryland 21131

JUL 31 2023

Corrections Complaint Examined
Dept. of Corr.
P.O. Box 7925
Madison, WI 53707

MILWAUKEE WI 530
28 JUL 2023 PM 3



53707-792525



THIS LETTER HAS BEEN MAILED FROM
THE WISCONSIN PRISON SYSTEM



THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT 

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